

**REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF LEON VALLEY, TEXAS, May 1, 2007 AT 7:00 P.M.**

The City Council of the City of Leon Valley, Texas, met for a Regular City Council Meeting on the 1<sup>st</sup> day of May 2007 at 7:00 p.m., at the Leon Valley City Council Chambers, at 6400 El Verde Road, Leon Valley, Texas, for the purpose of the following business, to-wit:

**Call to order and Pledge of Allegiance.**

Mayor Riley called the meeting to order and asked that the minutes reflect that the following members of Council were present: Maloy, Reyna, Dean and Rangel.

City Manager Lambert, City Secretary Feutz, Fire Chief Irwin, Police Chief Wallace, City Accountant Wallace, City Engineer Wright, Assistant Public Works Director Stolz, Community Development Director Smith, Library Director Trent, HR Officer/Assistant City Secretary Schendel, Economic Development Director Caldera and City Attorney Jacobson were also present.

Mayor Riley asked Scout James Patterson to lead the Pledge of Allegiance. Mayor Riley explained that Mr. Patterson was working toward his Eagle and his Citizenship in the Community Badge. Mayor Riley also welcomed Albert Liu from Troop 1988 who was also working on his Citizenship in the Community Badge.

**Consider approval of minutes of the City Council Meeting of April 23, 2007.**

A motion was made by Councilmember Maloy, seconded by Councilmember Rangel, to approve the minutes from the City Council Meeting of April 23, 2007 as presented. Upon a unanimous vote, the motion carried.

**Proclamation for the 30<sup>th</sup> Birthday of the Leon Valley Public Library.**

Mayor Riley proclaimed May 5, 2007 as the 30<sup>th</sup> Birthday of the Leon Valley Public Library and encouraged all citizens to join in celebrating the founding of the library with a visit to the Library. The proclamation was given to Library Director Joyce Trent who announced special activities planned for the week and thanked the Council, Friends of the Library and members of the community who were instrumental in starting the Leon Valley Public Library.

**Proclamation for the week of May 15, 2007 as “National Police Week” and May 15, 2007 as “Police Officers Memorial Day”.**

Mayor Riley announced that other Councilmembers would help read the proclamations scheduled for this agenda. She asked Councilmember Dean to assist with this proclamation.

Councilmember Dean proclaimed the week of May 15, 2007 as “National Police Week” and expressed appreciation for the men and women who risk their lives in order to guard and protect the citizens of Leon Valley. Councilmember Dean presented the Proclamation to Police Chief Wallace. Chief Wallace explained the significance of the Blue Ribbons for the Police Officers Memorial Day in memory of officers lost in the line of duty.

**Proclamation for the week of May 20-26, 2007 as “Hurricane Awareness Week”.**

Mayor Riley asked Councilman Reyna to present this Proclamation.

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Councilman Reyna proclaimed the week of May 20-26, 2007 as "Hurricane Awareness Week" and urged all citizens to participate in hurricane preparedness activities and to pay close attention to watch and warning instructions. Councilman Reyna presented the proclamation to Assistant Fire Chief Lee.

**Proclamation to designate the week of May 20-26, 2007 as "Emergency Medical Services Week".**

Mayor Riley asked Councilmember Maloy to present this proclamation.

Councilmember Maloy proclaimed the week of May 20-26, 2007 as "Emergency Medical Services Week" and encouraged citizens to participate in the third Annual Health and Safety Day on Friday, May 26, 2007 at the Conference Center. Chief Irwin accepted the proclamation and stated that the Health and Safety Day event would be held from 3:00 p.m. - 5:00 p.m..

**Citizens to be heard and time for objections to the Consent Agenda.**

Mayor Riley asked Council if they wished for any item to be removed from the Consent Agenda for further discussion. Hearing no objections, Mayor Riley then asked if anyone in the audience wished to address the Council; seeing no one, she called for a motion on Consent Agenda items.

**Consent Agenda**

**Consider M&C # 05-01-07 - Authorize payment to Etech Construction, Inc. in the amount of \$22,655.70 ( Stolz).**

**Consider M&C # 05-02-07 with attached ordinance - Acceptance of a grant through the 2006 State Homeland Security Grant Program (SHSGP) and approval of General Fund Budget Adjustment to allow for purchase of satellite communications equipment (Irwin)**

A motion was made by Councilman Reyna, seconded by Councilmember Dean, to approve the Consent Agenda items as presented. Upon a unanimous vote, the motion carried.

**Regular Agenda**

**Presentation and update by the Community Events Committee (Ramirez).**

Mayor Riley explained that each of the City's committees were taking turns presenting an update on their activities and plans to the City Council.

Celia Ramirez, Chair of the Community Events Committee presented an overview of the activities of the last year to include assistance with the Los Leones Art Festival and coordinating the winter holiday festivities and concerts. She announced the Committees's upcoming projects to include the Grandparent's Day Concert, the July 4<sup>th</sup> Independence Day Parade, and the September Xeriscape/Beautification Contest. Ms. Ramirez thanked the committee members, staff members and the City Council for their support of the Committee's events.

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**Consider M&C # 05-03-07 - Adopting as the official Leon Valley Fire Department Prevent Mascot, "Firepup ®" - a full-sized dalmatian costume that will help the children of Leon Valley learn the importance of fire prevention and safety (Irwin).**

Deputy Fire Marshal Luiz Valdez addressed Council explaining that the costume would be used to enhance teaching children the basic fundamentals of fire safety. He explained that funding for the costume had been donated by five local businesses: The Enrichment Academy, Window World, Direct Maytag, Mattress Pro and Luv-N-Care Learning Center.

A motion was made by Councilman Reyna, seconded by Councilmember Dean, to approve adopting the "Firepup®" as the Leon Valley Fire Department's official Fire Prevention Mascot. Upon unanimous vote, the motion carried and Mr. Valdez presented the adoption papers to Fire Chief Irwin.

**Consider M&C # 05-04-07 - Postponement of the Tuesday, May 15, 2007 Regular City Council Meeting to Tuesday, May 29, 2007 at 7:00 p.m. (Feutz).**

City Secretary Feutz addressed Council explaining that because City Code requires Council meetings the first and third Tuesdays of each month, this item was placed on the agenda to give Council a chance to consider postponing the meeting from three days after the General Election until after the election process was completed and to also provide an opportunity nearer a holiday as more family members may be in town to observe the festivities of appreciation and welcoming Councilmembers. She stated that this was strictly for the Council's pleasure to consider and that staff had been polled to see if there was any business that needed to be addressed that could not wait until May 29, 2007, and there was none.

Councilmember Rangel stated he would be out of town that day and Councilmember Maloy stated that she also would not be able to attend the meeting on May 29, 2007. Both Councilmembers stated that they could attend on May 15, 2007.

Councilmembers discussed the issue, but no motion was made nor vote taken.

**Public Hearing to consider Zoning Case #07-375 - with attached ordinance - A request by Centex Homes, applicant, to rezone approximately 24.735 acres of land in the 6500 block of Samaritan Drive, being Parcel 1, Abstract 399, CB 4429, and Parcel 11, Abstract 432, CB 4430, an unplatted tract of land (Smith).**

Mayor Riley read a statement thanking everyone who was in attendance for the meeting and reminded everyone that there was a time limit of five minutes when the public addressed Council during the public hearing.

Community Development Director Smith addressed City Council presenting the particulars of Zoning Case #07-375, a request from Centex Homes to rezone approximately 24.735 acres of land from R-1 (Single Family Dwelling) to R-6 (Garden Home) zoning. Ms. Smith reviewed the surrounding zoning and zoning history of earlier requests to rezone parts of the property to R-3 (Multiple-family dwellings) zoning in 1971 and to rezone the property to R-6 (Garden Home) zoning in 1985, which were both denied. Ms. Smith stated that the Master Plan noted the existence of Huebner Creek and low elevations in the area posing development challenges. Ms. Smith noted that there were several development issues with the property and surrounding

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area that the applicant had been informed of and that will be addressed at the platting phase of the project. She also stated that the request was consistent and compatible with the Master Plan and surrounding zoning. Ms. Smith reported that 79 letters were mailed to property owners within 200 feet of the site and eight letters were received in opposition to the proposed zoning, of which six were from within the 200' notification area and the remaining two being from outside the 200' notification area. She also reported that no letters were received in favor of the rezoning request and one letter was returned as undeliverable.

Zoning Chairman Claude Guerra addressed City Council, stating that on April 24, 2007, the Zoning Commission reviewed the request and voted 4:3 in favor of recommending approval of the zoning request and further stating that the request was consistent and compatible with the Master Plan and surrounding zoning and protected the health, safety and welfare of the general public.

Ms. Smith announced that Jeff Foster, a representative from Centex homes was available in the audience.

Councilmembers asked about the number of residences which could be built if the property was changed from R-1 to R-6 zoning and expressed their concerns on the challenges of traffic circulation for the properties. Ms. Smith noted that, if no parkland was designated from the property, a maximum of 100 homes could be built if the property remained R-1, and up 140 homes could be potentially built if the property was rezoned to R-6. She explained that the Fire Chief requires two access points from a development if more than 30 lots are developed. She reviewed maps of the area indicating areas that would need road improvements and stated that the City's Conceptual Thoroughfare Plan addresses traffic circulation for the area.

Jeff Foster, Land Project Manager for Centex Homes, addressed Council and introduced other representatives from Centex Homes also present - Pat Bibb, a Vice President from Centex Homes, and Ian Cude, an engineer from Cude Engineering. Mr. Foster estimated ad valorem tax revenue to the City when his proposed project is completed to be \$90,000 - \$110,000 annually as the proposed housing was expected to be priced from \$110,000 - \$280,000. He also informed Council that Centex Homes will designate park land from within the project as required. He also explained that because the property had been a dairy farm, the property was pretty clear of trees but that they would abide by tree ordinances. Ian Cude, from Cude Engineering and on behalf of the applicant, also addressed Council stating that although water studies had not been completed, water pressure should be sufficient for the proposed new homes. Patrick Bibb, also from Centex Homes, addressed Council stating that it was too early to speak with surrounding landowners for a secondary access solutions. He explained that after the rezoning is completed, Centex would engage engineers to do feasibility studies and replatting.

Community Development Director Smith presented additional information for Council on issues that any property development for the site will have to address even if the property remained zoned R-1. Ms. Smith's presentation addressed the major concerns of residents in the area as expressed during the Zoning Commission hearing: increased density, increased traffic, devalued neighborhood housing; increased flooding, affect on local wildlife, and reduction of open space.

Mayor Riley announced the public hearing to be open at 8:12 p.m.

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Residents Laura Cardenas of 5903 Seneca Drive, Marcus Semmelmann of 5917 Rimkus Drive, Sharon Hendricks of 6015 Aids Drive, and Marian Larkin of 6403 Royalty Point individually addressed Council asking that the request to change zoning from R-1 to R-6 be denied, citing concerns with increased traffic to the density.

Resident Abraham Diaz, 6014 Kinman Drive, stated that he thought all residents in neighboring area of Seneca III Estates should have been notified about the zoning case and asked if Council would consider delaying their decision on the case until more residents could be notified.

Realtor Daniel Bee stated that he represented ten other owners of properties adjacent to the applicant's property and stated that he felt that the proposed zoning change will create a patchwork development for the area and he stated that he was against the requested zoning change.

Resident Guadalupe Diaz of 6014 Kinman Drive also voiced her disapproval of the zoning change.

Gilbert Laubach, owner of the property adjacent to the subject property, asked if the remainder of properties next to the subject property will have to be rezoned to R-6 and asked Council to consider the increased traffic and stated that no one has contacted him about any egress on his property for this property to be developed.

Concerns raised by the residents included: increased traffic on streets within Seneca III, drainage issues, increased flooding in the area, loss of wildlife in the area, and questions about any greenbelt buffer between the homes in San Antonio and the homes in Leon Valley.

Pat Bibb, from Centex Homes, addressed Council stating that Centex hoped to begin development in 3-9 months and stated that it was their intention to build residential homes. Ian Cude, also representing the applicant, addressed Council stating that a traffic analysis would be ordered as part of the platting process. He indicated that the difference in the traffic generated if the zoning is changed versus leaving the zoning at R-1 would be about six percent (6%). He also stated that keeping trees would be in the developer's best interest, as homebuyers like trees. Mr. Cude stated that EMS response to the area should be improved after street improvements are made by the developer as part of the project. Mr. Cude also explained that drainage issues would be addressed in the platting process.

Realtor Daniel Bee asked that Council and the developer also consider the nursing home residents and their safety with increased traffic to the area.

Attorney Irwin Zucker addressed Council stating that he represents the property owner for the nursing home and who also currently owns the case property. He stated that the nursing home had only 43 residents and may be closing in the near future.

Mayor Riley asked if anyone else wished to address the Council; hearing no one, she closed the public hearing at 8:50 p.m. and asked the Council for their decision.

Councilman Reyna asked the City Attorney a parliamentary procedure question to table a decision on the issue until more information can be gathered and more residents in the area can

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be notified. The City Attorney stated that Council could postpone making decision on the case for any reason.

A motion was made by Councilman Reyna, seconded by Councilmember Dean, to table a decision on this case for 60 days, or the meeting that comes closest after that time period, so that the 200' notice can be given to all property owners between the case property and Bandera Road and everyone adjacent to it, and also to the residents on Jeff Loop and El Verde Road so that they can respond and so that each of these areas can designate a representative to meet with representatives from Centex Homes and get answers to their questions from Centex. Councilman Reyna recommended that the representatives go to mediation to work out the issues and concerns of the residents.

City Attorney Jacobson stated that the mediation can be recommended, but not required.

Councilmember Maloy expressed her concerns that she felt that developers would not be happy with delays in the development process when they bring cases to Council after following the Master Plan's recommendations. She also expressed her feelings that the issues raised by the residents which concern infrastructure are dealt with during the platting process, not the zoning process. She stated that the increased notification requirement may be more appropriately applied to the platting process and that she would support increased notification during the plat case review. She further stated that the developer can proceed with platting and developing a R-1 development immediately with the property's present zoning.

Councilmember Dean stated that he agreed that it is a platting issue and but that the concerns are also citizen issues and he stated that he felt that 60 days was too long to delay a decision on the case.

Councilman Reyna amended his motion to continue the case for 45 days, or to the meeting after the 45 day period, so that the City can promptly send notice to all the property owners previously requested for an extended notification, and that an additional letter be included in the zoning meeting notice, inviting the property owners to voluntarily meet with the developer to discuss their concerns. The amended motion was seconded by Councilmember Dean.

Mayor Riley asked that the Council be polled for their vote. The vote for the amended motion was as follows: Maloy and Rangel against the motion and Reyna and Dean for the motion. The City Secretary announced that it was a tie vote. Mayor Riley voted for the motion, breaking the tie vote.

Following the vote, Council agreed to allow citizens to address Council on this case. Residents stated their continued support for no change in the zoning and their concerns about mediation. Council discussion continued regarding the desire of the Council to have the public's concerns heard by the developer and any need to define a triggering mechanism when notification of residents outside of the required notification area will be implemented for future cases.

Councilmember Maloy stated that she felt that elected members on Council have difficult jobs in that they are tasked with the responsibility for making decisions for the good of the entire City. She expressed her concerns about contacting more people than is required by law and stated that there is currently no triggering mechanism to require notices to be sent to a larger notification area than is legally required. She asked that Council put on a next agenda a

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resolution to establish the triggering mechanism that would require a larger notification area than is legally required.

Mayor Riley read aloud the Resolution passed on March 1, 2005 which established the ability for Council to extend the area of notification so that more property owners are informed of Council issues thus giving more people an opportunity to express their views.

Resident Laura Cardenas again addressed Council stating that she understood that the property will be developed and stated that the Council was elected to make the decisions after hearing from the public. She also expressed her opposition to the mediation process.

Councilman Reyna stated that there were letters on file on the case that were totally opposed to any development for this property.

**Consider M&C # 05-05-07 - Consider request by Caesar Munoz of In-N-Out/Cricket Wireless for a variance to Chapter 5, "Signs", Sections 5.3.2, "Wallsigns", Part A.1, "Design", and Section 5.3.4 "Multi-tenant Signs", B.2", to permit two (2) additional signs on two (2) building wall projections at 6541 Bandera Road in Seneca Plaza Shopping Center (Smith).**

Community Development Director Smith addressed City Council explaining that the applicant's request was to allow two additional signs to be placed on the front of his business. She reported that the applicant felt that because of the store's location and the two building wall projections, the visibility for his store from Bandera Road needed additional signage. Ms. Smith stated that while the additional signage does not violate the square footage requirements of overall signage for the space, the Code does not allow more than one building-mounted wall sign per tenant.

Following Council discussion, a motion was made by Councilmember Maloy, seconded by Councilmember Dean to deny the variance request for additional signage as presented. Upon unanimous vote, the motion carried. Mayor Riley announced that the variance was denied.

**Consider M&C # 05-06-07 - authorize the City Manager to enter into a one-year contract with Neighborhood News, Inc., for the production fo the City Newsletter (Smith).**

Community Development Director Smith addressed Council stating that the proposed contract would increase the City's newsletter production to six times per year, improve communications with residents, provide more timely information and reduce costs associated with the newsletter production. Ms. Smith reviewed changes with the contract from current procedures to include advertising space in the newsletter, City will only pay for postage for the newsletters and will also pay for extra pages for surveys, flyers or additional news pages. She did state that City staff will continue to write the articles for the newsletter. Ms. Smith estimated that the City will save approximately \$3267 per year as the City will not be paying for production of the newsletter; advertising collected by the contractor is to cover the production costs.

Councilmember Maloy asked that the amount of advertising versus the amount of page space for articles be monitored during the first year of the proposed contract. Ms. Smith stated that the proposed contract contains a statement that no more than 50% will be dedicated to advertising.

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Following Council discussion, a motion was made by Councilmember Maloy, seconded by Councilmember Rangel, to approve authorizing the City Manager to enter into a one-year contract with Neighborhood News, Inc., pending approval of the contract language by the City Attorney. Upon vote, the motion carried.

**Consider M&C # 05-07-07 - Award of the bid for the 2007A Sanitary Sewer Rehabilitation Project to San Antonio Constructors Ltd., in the amount of \$159,926.80 (Wright).**

City Engineer Wright addressed Council stating that packets for the FY 2007A Sanitary Sewer Rehabilitation Project were reviewed by seven contractors, but only two submitted proposals for the project. Mr. Wright stated that the San Antonio Constructor's Ltd. had successfully completed several projects for the City, has appropriate insurance and bonding capacity, and he recommended Council's approval of this lowest bidder. Mr. Wright estimated that it would take approximately 120 days to complete the project.

Following Council discussion, a motion was made by Councilman Reyna, seconded by Councilmember Dean, to approve the bid for the 2007A Sanitary Sewer Rehabilitation Project to San Antonio Constructors Ltd. as presented. Upon vote, the motion carried.

**Consider M&C # 05-08-07 - Request to authorize the City Manager to submit a grant application to the Texas Parks and Wildlife Department for a Texas Recreational Trails Fund Grant (Uvietta).**

Park Commissioner Al Uvietta presented the request explaining that it revised the originally submitted proposal from 2006 to the Texas Parks and Wildlife Department. Mr. Uvietta stated that grant will have an 80/20 split with 20% coming from City in-kind labor and equipment for construction of park trails. He stated that the grant proposal this year will emphasize the trail development as part of the comprehensive Leon Valley Parks, Recreation, and Open Space Master Plan and he estimated the project would take approximately eighteen months for completed construction. Mr. Uvietta reviewed plans for the trail system to be included in the grant proposal. He stated that he recommended that the City Council remove the wildlife viewing platform from the proposed grant which would also reduce the dollar amount of the grant request. He stated that the Park Commission still recommended that the wildlife viewing platform remain in the overall Master Plan, but that it had been recommended to him to remove the platform as part of this grant proposal.

Following discussion, a motion was made by Councilmember Rangel, seconded by Councilman Reyna, to approve the request as amended and presented at this meeting. Upon vote, the motion carried.

Mayor and Council thanked Mr. Uvietta for his work and wished him luck with moving the proposal forward.

**Consider M&C # 05-09-07 - Authorize the City Manager to pursue land acquisition for construction fo a new Fire Station (Rangel).**

City Manager Lambert asked Council to consider tabling any decision on this agenda item, as the information on the subject was incomplete.

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A motion was made by Councilman Reyna, seconded by Councilmember Dean, to table the issue until the requested information was received. Upon vote, the motion carried.

**Discussion Agenda**

**City Manager's report (Lambert).**

City Manager Lambert addressed Council reporting that he will meet with County Commissioner Paul Elizondo to discuss upcoming CDBG Grant programs and asked if Council had any concerns they wished for him to bring before the Commissioner. He reported on the Huebner Creek following recent rains and stated that the improvements in the creek appeared to have helped with water running under the bridge.

**Citizens to be heard.**

None.

**Announcements by Councilmembers and Mayor.**

Councilmember Rangel thanked the League of Women Voters for moderating the "Meet the Candidates" evening on April 30<sup>th</sup> and he encouraged everyone to vote in the upcoming elections.

Councilmember Maloy thanked the audience for coming to express their views and thanked Joyce Trent for assisting with coordinating the "Meet the Candidates" evening. Mayor Riley proposed that the "Meet the Candidates" program be planned for the same date each year and Councilmember Maloy recommended earlier advertising for the event.

Mayor Riley announced that on August 25<sup>th</sup>, she, Mr. Uvietta, and staff attended a meeting with the San Antonio Planning Commission about the donation of 47.09 acres of land for a proposed joint park project with the City of San Antonio and Leon Valley for a natural park area with trails. She thanked City of San Antonio Councilwoman Elena Guajardo for her work on the project.

Mayor Riley reported that she had met with the Environmental Protection Agency and other agencies working on the City's water contamination issue and she reported that they continue to test new private wells for any contamination, perform geological surveys, and she reported that the City's public wells will be tested quarterly to insure that no contamination is affecting our public water supply. She announced that the Citizens Advisory Group will meet for the first time on July 24, 2007 at 7:00 p.m.

The Mayor also announced the Farmers' Market will begin their market season on May 9, 2007 from 8:00 a.m - noon.

**Adjourn.**

After asking if there was any other business or comments, a motion was made by Councilmember Rangel, seconded by Councilman Reyna to adjourn the meeting. Mayor Riley announced the meeting adjourned at 10:10 p.m.

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ATTEST:

Chris Riley \_\_\_\_\_  
Mayor

Marie Feutz \_\_\_\_\_  
City Secretary

*Minutes approved by Council vote at the May 15, 2007 Regular City Council Meeting*